



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application: **Boies et al.**

Serial No.: **09/884,580**

Filed: **June 19, 2001**

For: **Apparatus, Method and Computer
Program Product for Selecting a Format
for Presenting Information Content
Based on Limitations of a User**

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Group Art Unit: **3629**

Examiner: **Smith, Traci L.**

Attorney Docket No.: **YOR920000496US1**

**Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

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By: _____

Dell Whitton
Dell Whitton

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OFFICIAL RESPONSE TO OFFICE ACTION WAS FILED**

I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Response to Office Action forming the basis of the abandonment was filed. I hereby state that the Response to Office Action indicated by the USPTO's Notice of Abandonment dated June 29, 2005, was officially filed with the USPTO on March 9, 2005.

I attach a copy of the Response to Office Action filed on March 9, 2005, as well as a copy of our facsimile confirmation dated March 9, 2005 showing confirmation that the Response to Office Action was sent, and a copy of the USPTO's Auto-Reply Facsimile Transmission page showing confirmation that the Response to Office Action was received at the USPTO on March 9, 2005.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the Response to Office Action be entered, and the case be re-opened for prosecution.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510.

Respectfully submitted,



Duke W. Yee
Reg. No. 34,285
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
972/385-8777
Attorney for Applicants



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**For: Apparatus, Method and
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Information Content Based on
Limitations of a User**

35526

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

§ Group Art Unit: **3629**

§

§ Examiner: **Smith, Traci L.**

§

§ Attorney Docket No.: **YOR920000496US1**

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Certificate of Mailing Under 37 C.F.R. § 1.8(a)

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By:

Dell Whitton
Dell Whitton

TRANSMITTAL DOCUMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ENCLOSED HEREWITH:

- Petition to Withdraw Holding of Abandonment;
- Copy of Notice of Abandonment;
- Copy of Response to Office Action filed March 9, 2005;
- Copy of our facsimile confirmation showing the Response to Office Action filed on March 9, 2005 was sent;
- Copy of USPTO Auto-Reply Facsimile Transmission confirmation dated March 9, 2005; and
- Our return postcard.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510.

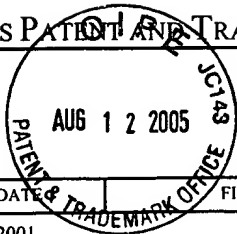
Respectfully submitted,

Duke W. Yee
Duke W. Yee

Registration No. 34,285
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P.O. Box 802333
Dallas, Texas 75380
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ATTORNEY FOR APPLICANTS



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,580	06/19/2001	Stephen J. Boies	YOR920000496US1	2574

7590 06/29/2005

Duke W. Yee
Carstens, Yee & Cahoon, LLP
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Dallas, TX 75380

EXAMINER

SMITH, TRACI L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/884,580

Examiner

Traci L. Smith

Applicant(s)

BOIES ET AL.

Art Unit

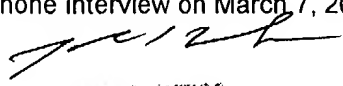
3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

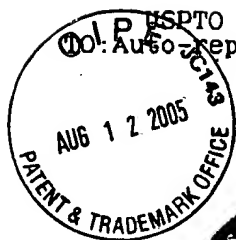
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 December 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ A reply was received on 07 March 2005 but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicants response is clearly a intended to be a draft in response to the phone interview on March 7, 2005 and not intended to be an official response.


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
U.S. PATENT & TRADEMARK OFFICE

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Auto-Reply Facsimile Transmission



TO: Fax Sender at 9723857766

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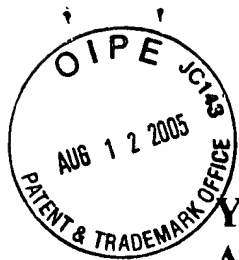
83/89/2006 14:31 9723857766 YEE & ASSOCIATES PAGE 81	
Yee & Associates, P.C.	
4100 Alpha Road Suite 1100 Dallas, Texas 75244	
Main No. (972) 385-8777 Facsimile (972) 385-7766	
Facsimile Cover Sheet	
To: Commissioner for Patents for Examiner Traci L. Smith Group Art Unit 3629	Facsimile No.: 703/872-9306
From: A.J. Jimenez Legal Assistant to Betty Formby	No. of Pages including Cover Sheet: 16
Message: Transmitted herewith: <ul style="list-style-type: none">• Transmittal Document; and• Response to Office Action.	
Re: Application No. 89/884,580 Attorney Docket No: YOR920000496US1	
Date: Wednesday, March 09, 2005	
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Associates, P.C.**

4100 Alpha Road
Suite 1100
Dallas, Texas 75244

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Facsimile (972) 385-7766

Facsimile Cover Sheet

To: Commissioner for Patents for Examiner Traci L. Smith Group Art Unit 3629	Facsimile No.: 703/872-9306
From: A.J. Jiménez Legal Assistant to Betty Formby	No. of Pages Including Cover Sheet: 16
Message: Transmitted herewith: <ul style="list-style-type: none">• Transmittal Document; and• Response to Office Action.	
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